

Act No. 96
Public Acts of 2000
Approved by the Governor
May 15, 2000
Filed with the Secretary of State
May 15, 2000
EFFECTIVE DATE: May 15, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Reps. Koetje, Allen, Jelinek, Middaugh, Julian, Garcia, Kukuk, Garza and Bovin

ENROLLED HOUSE BILL No. 4930

AN ACT to amend 1933 PA 254, entitled "An act to promote safety upon and conserve the use of public highways of the state; to provide for the supervision, regulation, and control of the use of such highways by all motor vehicles operated by carriers of property for hire upon or over such highways; to preserve, foster, and regulate transportation and permit the coordination of motor vehicle transportation facilities; to provide for the supervision, regulation, and control of the use of such highways by all motor vehicles for hire for such purposes; to classify and regulate carriers of property by motor vehicles for hire upon such public highways for such purposes; to give the Michigan Public Service Commission jurisdiction and authority to prevent evasion of this act through any device or arrangement; to insure adequate transportation service; to give the commission jurisdiction and authority to fix, alter, regulate, and determine rates, fares, charges, classifications, and practices of common motor carriers for such purposes; to require filing with the commission of rates, fares, and charges of contract carriers and to authorize the commission to prescribe minimum rates, fares, and charges, and to require the observance thereof; to prevent unjust discrimination; to prescribe the powers and duties of said commission with reference thereto; to provide for appeals from the orders of such commission; to confer jurisdiction upon the circuit court for the county of Ingham for such appeals; to provide for the levy and collection of certain privilege fees and taxes for such carriers for such purposes and the disposition of such fees and taxes; and to provide for the enforcement of this act; and to prescribe penalties for its violations," by amending section 18 of article V (MCL 479.18), as amended by 1988 PA 355.

The People of the State of Michigan enact:

ARTICLE V

Sec. 18. (1) The commission may, upon application of any person or any motor carrier, or upon its own motion, and upon at least 10 days' notice to the parties affected thereby, for good cause, and after an opportunity to be heard, revoke, suspend, alter, amend, or modify any of its findings or orders. However, a certificate or permit shall only be amended, altered, modified, revoked, or suspended after like notice and opportunity to be heard and upon clear proof of good, just, and sufficient cause. In addition, beginning January 1, 1989, a person or motor carrier may also be subject to an assessment of not to exceed \$500.00 for each violation of this act, a rule promulgated or an order issued under this act, or a term or condition of a certificate or permit.

(2) The commission may grant rehearings in all proceedings before it upon petition filed within the time allowed by law to bring proceedings for review. All orders entered pursuant to this section shall be served and take effect as provided in this act for original orders, and the time allowed by law to bring proceedings to review any order of the commission shall continue after the order denying the hearing or after the order made upon a rehearing. The commission shall keep a docket of all causes and proceedings under this act and upon request, upon payment of a reasonable fee, shall furnish any interested party fair copies of any application, answer, petition, motion, order, finding, certificate, or permit on file with, or made or issued by it in any proceeding.

(3) The assessments collected pursuant to this section shall be deposited in the truck safety fund established in section 25 of 1951 PA 51, MCL 247.675.

(4) This chapter shall be applicable and uniform throughout this state and in all political subdivisions and local units of government in this state. A local unit of government shall not adopt, enact, or enforce a local law that is in conflict with this act.

(5) A local law or a portion of a local law that imposes a criminal penalty for an act or omission that is a civil infraction under this act, or that imposes a criminal penalty or civil sanction in excess of that prescribed in this act, is in conflict with this act and is void to the extent of the conflict.

(6) Except for a case in which the citation is dismissed pursuant to subsection (7), proceeds of a civil fine imposed by a local unit of government for violation of a local law regulating the operation of for-hire motor vehicles and corresponding to this act shall be paid to the county treasurer and shall be allocated as follows:

(a) Seventy percent to the local unit of government in which the citation is issued.

(b) Thirty percent for library purposes as provided by law.

(7) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(8) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this act.

(9) As used in this section:

(a) "Local law" includes a local charter provision, ordinance, rule, or regulation.

(b) "Out of service" means that process established under the motor carrier safety act, 1963 PA 181, MCL 480.11 to 480.22.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

(a) House Bill No. 4927.

(b) House Bill No. 4928.

(c) House Bill No. 4929.

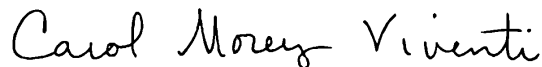
(d) House Bill No. 4931.

(e) House Bill No. 4932.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

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Governor.